

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

Case No.: 0051011521

RHONDA CANOY,

Charging Party,

-v-

TOWN PUMP,

Respondent.

ORDER

On April 25, 2005, Rhonda Canoy (Canoy) filed a complaint with the Department of Labor and Industry's Human Rights Bureau (Department) alleging that her former employer, Town Pump, discriminated based on gender. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Canoy's allegations of unlawful discrimination and the Department issued a Notice of Dismissal. Canoy filed objections with the Montana Human Rights Commission (Commission). The Commission considered Canoy's objections without oral argument on January 23, 2006.

The Commission will review a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Mont. Code Ann. § 49-2-509(4)(2003); Admin. R. Mont. 24.9.1714(3)*. After careful and due consideration, the Commission concludes the determination of the Department to dismiss the complaint is sufficiently supported by the record and there was no abuse of discretion.

A party may ask a district court to review a decision of the Commission to affirm the dismissal of a complaint. *Admin. R. Mont. 24.9.1714(7); See also Mont. Code Ann. § 2-4-702*. If a charging party chooses to commence a civil action, charging party has 90 days after the receipt of this order to petition a district court, in the district where the

alleged violation occurred, for the appropriate relief. *Mont. Code Ann. § 49-2-509(5) (2003); Admin. R. Mont. 24.9.1714(5)*. If a charging party fails to commence a civil action within 90 days, the claim is time barred. *Id.*

IT IS HEREBY ORDERED, that Rhonda Canoy's objection is **overruled**. The Commission adopts and affirms the determination of the Human Rights Bureau to dismiss the complaint.

DATED this ____ day of January 2006.

Chair Franke Wilmer
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this _____ day of January 2006.

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Montana Human Rights Bureau